



Board for Judicial Administration (BJA)

Friday, June 15, 2012 (9:00 a.m. – 12:00 p.m.)

AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

MEETING MINUTES

Members Present:

Chief Justice Barbara Madsen, Chair
Judge Chris Wickham, Member Chair
Judge Marlin Appelwick
Judge Sara Derr
Judge Deborah Fleck
Judge Janet Garrow
Mr. Jeff Hall
Judge Jill Johanson (by phone)
Judge Kevin Korsmo (by phone)
Judge Linda Krese
Judge Michael Lambo
Judge Craig Matheson
Judge Jack Nevin
Justice Susan Owens
Judge Christine Quinn-Brintnall (by phone)
Judge Kevin Ringus
Judge Charles Snyder
Judge Scott Sparks
Judge David Svaren

Guests Present:

Mr. Jim Bamberger
Ms. Bonnie Bush
Ms. Patty Chester (by phone)
Ms. Ishbel Dickens
Ms. Christine Liebsack
Mr. Paul Sherfey (by phone)

Public Present:

Mr. Tom Goldsmith
Mr. Christopher Hupy
Mr. Mark Mahnkey
Ms. Karen Mount

AOC Staff Present:

Ms. Beth Flynn
Mr. Steve Henley
Mr. Dirk Marler
Ms. Mellani McAleenan
Dr. Carl McCurley
Mr. Matt Orme
Ms. Janet Skreen

The meeting was called to order by Judge Chris Wickham.

May 18, 2012 Meeting Minutes

It was moved by Judge Sparks and seconded by Judge Garrow to approve the May 18, 2012 BJA meeting minutes with the following revision at the top of page 4: "The TCOFC prioritized in the following order:" The motion carried.

Budget

A list of the nine budget items that the BJA decided to continue pursuing during the May meeting was distributed. The list contained a column that each BJA member will use to mark their funding priority for each of the nine items. Mr. Hall said each BJA member will complete the form and AOC staff will tabulate the results during the break. The results will then be discussed and acted upon.

Judge Wickham asked if the BJA members were comfortable with the process and Judge Appelwick stated he had two concerns: 1) that the items are trial court items and that trial court judges are in the best position to prioritize what is needed on a statewide basis; and 2) the real issue ought to be how much funding the BJA asks for and the overall political impact of the request.

It was moved by Judge Fleck and seconded by Judge Krese to recommend that the priority be in the same order that the items appear in the materials but only to recommend the following items to the Supreme Court: #1 interpreter restoration, #2 CASA restoration, #3 FJCIP restoration, and #4 video remote interpretation. After discussion, the motion was withdrawn.

The discussion regarding the motion focused on including the courts of limited jurisdiction judicial salaries, sharing the BJA's funding priorities with the Legislature regardless of funding potential, and whether each BJA member should get an individual vote regarding the priorities.

It was moved by Judge Matheson and seconded by Judge Derr to have each BJA member prioritize the funding requests and the BJA will look at the results later in the meeting. The motion carried with Judge Appelwick opposed.

Resolution in Support of the Guardian Accountability and Senior Protection Act

Ms. McAleenan stated that this is one of the resolutions from the Conference of State Court Administrators (COSCA) that was previously reviewed by the BJA. The legislation was introduced in Congress and so far it only has one signature. The action the BJA could take is to write a letter to Washington's congressional delegation. The resolution was revised from the original COSCA resolution to make it relate to BJA. There was no motion to adopt this resolution.

Resolution Urging Congress to Respect the Separation of Powers and Principles of Federalism with Regard to Enacting Legislation to Address Child Custody

Mr. Hall stated that this resolution is really about federalism. The question is whether the BJA wants to actively engage Congress on federalism. Mr. Hall suggested that this is not a field the BJA wants to engage in with Congress. The reality is that Congress is going to pass each piece of legislation based on the policy issue, not for federalism. He thinks it should be left to CCJ/COSCA to make the federalism point. There was no motion to adopt the resolution.

Washington State Medal of Valor Nomination

The SCJA has concerns about sending a letter of support regarding the Medal of Valor nomination. Judge Matheson stated that it is not that the SCJA does not support the nomination, they just do not want to write a letter of support if superior court judges will hear the case. They are deferring on it.

It was moved by Judge Garrow and seconded by Judge Fleck to have the BJA send a letter supporting the nomination of Judge David Edwards for the Medal of Valor. After discussion the motion was withdrawn.

Judge Derr said she will ask the DMCJA to consider writing a letter of support and Ms. Chester will do the same with the Clerks. Mr. Hall also said he could write a letter of support if needed.

Interpreter Resolution

The interpreter resolution was not yet ready for discussion.

Problem-Solving Courts Workgroup Charter

Ms. McAleenan reported that during the legislative session there were several bills regarding problem-solving courts. As a result, there are several different ways to authorize these types of problem-solving courts in statute. The BJA did not take a position on any of the specific bills but preferred to take a more holistic look at the authorizing legislation and rules for problem-solving courts. The Legislature has already enacted several statutes regarding problem-solving courts and will probably consider others in the future. Does the BJA want a say in how it is done? Should there be a general statutory framework and, if so, should the BJA draft it?

A Problem-Solving Courts Authorizing Legislation Workgroup Charter was included in the meeting materials. The meeting schedule most likely needs to be revised because it will be difficult to have the first meeting in June.

It was suggested that there be four judicial officers on the workgroup—two from the SCJA and two from the DMCJA. Also, the SCJA and DMCJA both have problem-solving courts groups working on best practices. Maybe the best practices should come from the trial courts that are dealing with these issues.

**It was moved and seconded to approve the charter with the following revisions:
1) strike the third bullet in the charge and everything following it in the charge,
and 2) revise the workgroup membership to include two superior court judges and
two courts of limited jurisdiction judges. The motion carried.**

The group will give an update to the BJA at the July or August BJA meeting.

BJA Special Meeting Minutes

**It was moved by Justice Owens and seconded by Judge Ringus to approve the
BJA special meeting minutes from June 15, 2012. The motion carried.**

Timeliness of Dependency Case Processing in Washington

Dr. McCurley reported that the Legislature mandated that the Administrative Office of the Courts (AOC) report on the timeliness of dependency case processing in Washington but they did not specify what should be included in the report. Ms. Skreen helped develop the standards that are measured.

The report is online and has been produced through the use of federal funding because the Legislature did not provide funding for the report. The Washington State Center for Court

Research (WSCCR) at AOC received Court Improvement Project (CIP) funding from the federal government and was able to hire Mr. Orme to produce the report.

Courts use the information in the report to improve their dependency case processing. Mr. Orme has a great deal of experience in performance reporting and the report's utility continues to improve each year. Working with the judges, court administrators, and family court coordinators has resulted in revision of the performance indicators. The court numbers are updated monthly and the Children's Administration numbers updated quarterly.

Mr. Orme walked the BJA through the online report, which includes information for individual courts indicating the median time it took to get through all the different types of cases. Courts are able to access the information online and can address issues throughout the year before the report is published.

Ms. Liebsack has worked for Snohomish County for about five years. When she first started working there the timeliness reports did not seem to give them very helpful information. They are now able to use the data to figure out how to improve their timeliness.

Courts are able to use the online dashboard to compare Family and Juvenile Court Improvement Program (FJCIP) counties to the other counties in the state. They can also compare up to five counties. That information is located in the fact-finding section.

Chief Justice Madsen thanked everyone for the great work they have done with this project.

Reporting on Racial Disproportionality

Dr. McCurley gave a state level view of juvenile court disproportionality. The work was done by the WSCCR for the Race and Criminal Justice Task Force. The rate of specific events such as arrest, referral to juvenile court, cases diverted, adjudicated cases, etc. for different racial groups was calculated and if the result is a number over one it means that the event is more likely to occur for that group.

There are high levels of disproportionality in referring juveniles to adult courts and prosecutors would like this information broken down to get more details. One way of looking at this is that the courts are generally doing a good job and most of the disparity comes earlier through law enforcement and prosecution. It is helpful to look at the issue on a community basis and to work to reduce the disproportionality.

There have been some online trainings for courts to teach them about the baselines and the WSCCR will make the offer to have individual meetings with courts or through the Superior Court Judges' Association (SCJA) to get these numbers in the hands of the people who own the original information.

The University of Washington will publish a report about racial disproportionality in October of this year.

Other Business

Rules: Chief Justice Madsen reported that the Supreme Court adopted APR 28, Limited Practice Rule for Limited License Technicians. The other order they signed yesterday was regarding indigent defense standards. They made the caseload standards “should,” not “shall,” and that portion of the rule will not take effect until September 1, 2013.

Interim State Court Administrator: The Supreme Court is close to having an interim State Court Administrator to fill in for three to six months. In addition to heading AOC, the interim will work with the Supreme Court to assist the search committee. The Supreme Court is committed to having wide input on the new State Court Administrator. So far, they have some good leads on people interested in the job.

Judicial Branch Efficiencies: Chief Justice Madsen said legislators asked what could be changed in legislation to make things easier and less expensive in the judicial branch. Chief Justice Madsen is soliciting ideas from the BJA members for things that could be done in statute (or eliminated) that will make the judicial branch more efficient. This could be on the July agenda.

Budget: The results of the budget priorities were distributed. Interpreter restoration was the highest priority followed by CLJ judges’ salaries, CASA restoration, interpreter services, expand interpreter program, video remote interpretation, FJCIP restoration, therapeutic court coordinator, and quality assurance consolidation.

It was moved by Judge Ringus and seconded by Judge Lambo to forward the BJA’s budget priorities to the Supreme Court. The motion carried.

Mr. Hall stated that as the proposing agency for the therapeutic court coordinator the Administrative Office of the Courts may decide not to send that request forward.

Judge Appelwick: Chief Justice Madsen thanked Judge Appelwick for his service to the BJA.

There being no for further business, the meeting was adjourned.

Recap of Motions from June 15, 2012 meeting

Motion Summary	Status
Approve the May 18, 2012 BJA meeting minutes with the following revision at the top of page 4: “The TCOFC prioritized in the following order:”	Passed
Recommend that the budget priorities be in the same order that the items appear in the materials but only to recommend the following items to the Supreme Court: #1 interpreter restoration, #2 CASA restoration, #3 FJCIP restoration, and #4 video remote interpretation.	Motion Withdrawn
Prioritize the funding requests and look at the results later in the meeting.	Passed with Judge Appelwick opposed

Motion Summary	Status
Revise the Problem Solving Courts Work Group charter to strike the third bullet, and everything thereafter, in the charge. Revise the membership to include two superior court judges and two courts of limited jurisdiction judges. Approve the charter as amended.	Passed
Approve the special meeting minutes from earlier during the June 15 meeting.	Passed
Forward the BJA's budget priorities to the Supreme Court	Passed

Action Items updated for June 15, 2012 meeting

Action Item	Status
<u>May 18 BJA Meeting Agenda</u> <ul style="list-style-type: none"> • Revise the minutes as requested during the meeting • Post the minutes online • Send revised minutes to Supreme Court for inclusion in the En Banc meeting materials 	Done Done Done
<u>Medal of Valor Nomination</u> <ul style="list-style-type: none"> • Judge Derr will check with the DMCJA to find out if they will write a letter of support • Jeff Hall will write a letter of support • The County Clerks will consider writing a letter of support 	In progress Decided not to do In progress
<u>Problem Solving Courts Work Group Charter</u> <ul style="list-style-type: none"> • Revise the Problem Solving Courts Work Group charter to strike the third bullet, and everything thereafter, in the charge. Revise the membership to include two superior court judges and two courts of limited jurisdiction judges • Charter was approved – move forward with work group 	Done
<u>Special BJA Meeting Minutes</u> <ul style="list-style-type: none"> • Get correct signatories on the BJA account 	Done
<u>Funding Priorities</u> <ul style="list-style-type: none"> • Notify Supreme Court of BJA funding priorities 	Done